

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RUSSELL PERCY DUNHAM,

Petitioner,

v

Case No. 1:03-cv-862

PATRICIA L. CARUSO,

Hon. Wendell A. Miles

Respondent.

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ORDER ADOPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

On August 23, 2006, United States Magistrate Judge Ellen S. Carmody issued a Report and Recommendation (“R & R”) recommending that Russell Percy Dunham’s petition for writ of habeas corpus be dismissed as time-barred. Petitioner has filed objections to the R & R. The court, having reviewed the R & R filed by the United States Magistrate Judge in this action, and having considered petitioner’s objections, agrees with the recommended disposition contained in the R & R.

It is noted that the R & R contains a typographical error. At page 5, the first sentence of the second full paragraph reads as follows: “Here, the limitations period ran for 231 days from December 29, 1997 to August 18, 1997 . . . “ (emphasis supplied). The latter date should instead

read “August 18, 1998,” not August 18, 1997. However, this typographical error does not alter the correctness of the result.

Judgment will be entered accordingly.

Entered this 30th day of October, 2006.

/s/ Wendell A. Miles
Wendell A. Miles
Senior U.S. District Judge